

Response – Remarks

Claims 5, 10, 11, 12, 13, 21, 23, 24, 25, 32 and 33 are either original or amended claims. Claims 1–4, 6–9, 14–20, 22 and 34 have been cancelled, and new claims 35–45 have been added.

Claim 5 was indicated as allowable if rewritten in independent form and accordingly claim 5 is now believed to be allowable.

Claim 10 was indicated as allowable if rewritten in independent form and accordingly claim 10 is now believed to be allowable.

Claims 11 and 12 are dependent directly or indirectly from claim 10 and were also indicated as allowable.

Claim 13 was indicated as allowable if rewritten in independent form and therefore claim 13 is now believed to be allowable.

Claim 21 was indicated as allowable if rewritten in independent form and claim 21 is now believed to be allowable.

Claim 23 was indicated as allowable if rewritten in independent form and claim 23 is now believed to be allowable.

Claims 24 and 25 were also indicated as allowable and depend from claim 23.

Claim 32 was indicated as allowable and depends from the independent claim 23.

Claim 33 was indicated as allowable and depends from claim 32.

New claim 35 is like allowed claim 5, but is broader than claim 5 in that it is not limited to “at least one of said hoops being capable of being twisted or wound into a relatively flat coil of reduced diameter for storage”. It is also broader in that it does not refer to “flexible straps”. Further, new claim 35 recites “four retainers” which releasably

engage the respective four corners of the mattress. Nothing of this sort is shown in any of the prior art of record including the single reference relied upon in the rejection, namely, U.S. Patent No. 5,343,887.

New claim 36 is like claim 10, but is broader in that it is not limited to the provision of “receding means on said canopy for removably receiving end portions of said frame”. However, this claim clearly defines the flexible supporting frame externally of the canopy for holding the panels spaced apart and generally erect, the connectors for releasably attaching the canopy to the frame and specifically defines the frame as having a first flexible stanchion and a second flexible stanchion, which are disposed above the canopy and hold the first and second stanchions generally upright. Nothing similar to this is shown in the reference relied upon and claim 36 is believed to patentably distinguish over the prior art for at least these reasons.

New claim 37 is like claim 13, but is not limited to the “receding means” referred to in claim 13. Claim 37 calls for “four retainers” which are releasably engageable with the respective four corners of the mattress. There is not a specific reference to “flexible strips” as referred to in some of the allowed claims, but nevertheless the four retainers that are recited are releasably engageable with the respective four corners of the mattress.

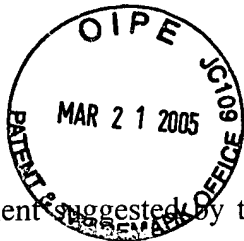
New claim 38 is like allowed claim 23, but is not limited to the hoops being capable of being twisted or wound into a relatively flat coil of reduced diameter for storage. However, this claim recites a construction in which there are “four retainers” which releasably engage the respective four corners of the mattress. This feature of Applicant’s invention is believed to be patentable and clearly distinguishes over the art of record.

New claims 39, 42 and 43 depend, respectively, from claims 21, 35 and 38 and provide that at least one hoop is capable of being twisted or wound into a relatively flat coil. This feature of Applicant's invention is believed to be patentable over the cited art. New claim 40 depends from claim 21 and recites that the frame includes a horizontal frame member, and new claim 41 depends from claim 40 and recites that the frame further includes at least one stanchion. These elements are fully supported in the specification as filed. Finally, new claims 44 and 45 depend from claim 38 and are related to embodiments of the retainers. Claim 44 provides that the retainer includes a pocket that receives at least a portion of a corner of a mattress. This may include, by way of example without limitation, a fabric pocket with or without a resilient band or strap, such as a corner portion of a fitted bed sheet and the like, or the pocket may be defined by a strap, band and the like. Claim 45 recites that the retainer includes a flexible band or strap. Each limitation is supported by the application as filed, and these claims are believed to be patentable.

CONCLUSION

Each of claims 5, 10-13, 21, 23-25, 32, 33, and 35-45 is believed to define patentable subject matter over the art of record. Reconsideration and allowance of these claims are respectfully requested.

If, after considering this Response, the Examiner believes any of the claims are not in condition for allowance, it is respectfully requested that the Examiner initiate a telephone interview with Applicant's undersigned attorney, Matthew J. Schmidt, whose telephone number is (248) 689-3500, so immediate consideration can be given to any



further amendment suggested by the Examiner or needed to place all of the claims in condition for allowance.

Applicant encloses a check in the amount of \$660.00 for payment of the fee for a one-month extension of time (\$60.00) and 6 extra independent claims (\$600.00). Any additional fee deemed necessary for this response may to be charged to deposit account no. 50-0852.

Respectfully Submitted,

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March 17, 2005